

SPECIAL ISSUE
International Migration and the Right to Education: Challenges for Facing Inequalities in Education Systems Policies

education policy analysis
archives

A peer-reviewed, independent,
open access, multilingual journal



Arizona State University

Volume 29 Number 72

May 24, 2021

ISSN 1068-2341

An Impossible Public Problem or the Paradox of Activist Resistance: Unwillingly Depoliticizing Immigrants' Schooling in France

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Citation: Douniès, T. (2021). An impossible public problem or the paradox of activist resistance: Unwillingly depoliticizing immigrants' schooling in France. *Education Policy Analysis Archives*, 29(72). <https://doi.org/10.14507/epaa.29.5719> This article is a part of the special issue, *International Migration and the Right to Education: Challenges for Facing Inequalities in Education Systems Policies*, guest edited by Ana Lorena de Oliveira Bruel, Isabelle Rigoni, and Maïtena Armagnague-Roucher.

Abstract: In France as in other European countries, access to education for immigrants beyond compulsory schooling is selectively achieved, through a triage implemented by education administrations. Support organizations are increasingly solicited on this matter. Considering the twofold policy role of non-profits which both act as advocates and providers, this paper sheds light on the reciprocal relationship between the way activists manage enrollment in education and the way this issue is framed in the public sphere. Indeed, militants play a gatekeeping role and can discretely negotiate the access to school at the margins of the official institution. Nevertheless, because this struggle for education is individualized and silent, this issue is not likely to become a public and visible cause, around which a political reaction from public authorities could be claimed. Hence, while they largely counteract the infringement of the right to education, the actions of activists paradoxically participate in making it socially acceptable. That is why, beyond the case of

immigrant education, the analysis eventually provides an empirical understanding of the social conditions of the construction of education public problems.

Keywords: non-profit organizations; education public problem; immigrant education; infringement of right to education; (de)politicization; ethnography; France

Un problema público imposible o la paradoja de la resistencia activista: La despoliticización involuntaria de la escolarización de los inmigrantes en Francia

Resumen: En Francia, como en otros países europeos, el acceso a la educación de los inmigrantes más allá de la escolaridad obligatoria se realiza de forma selectiva, mediante un proceso de selección por parte de las administraciones educativas. Las organizaciones de apoyo son cada vez más solicitadas en esta materia. Teniendo en cuenta el doble papel de las organizaciones sin ánimo de lucro, que actúan a la vez como defensoras y proveedoras de la acción pública, este trabajo arroja luz sobre la relación recíproca entre la forma en que los militantes gestionan la matriculación en la enseñanza superior y la forma en que esta cuestión se enmarca en la esfera pública. En efecto, los militantes desempeñan un papel de guardianes y pueden negociar discretamente el acceso a la escuela en los márgenes de la institución oficial. Sin embargo, como esta lucha por la educación es individualizada y silenciosa, no es probable que esta cuestión se convierta en una causa pública y visible, en torno a la cual se pueda reclamar una reacción política de los poderes públicos. De ahí que, si bien contrarrestan en gran medida la vulneración del derecho a la educación, las acciones de los activistas participan paradójicamente en hacerla socialmente aceptable. Por eso, más allá del caso de la educación de los inmigrantes, el análisis acaba por aportar una comprensión empírica de las condiciones sociales de la construcción de los problemas públicos de la educación.

Palabras-clave: organizaciones sin ánimo de lucro; problema público de la educación; educación de los inmigrantes; vulneración del derecho a la educación; (des)politización; etnografía; Francia

Um problema público impossível ou o paradoxo da resistência activista: A despoliticização involuntária da escolarização dos imigrantes em França

Resumo: Em França como noutros países europeus, o acesso à educação para os imigrantes para além da escolaridade obrigatória é alcançado selectivamente, através de um processo de selecção pelas administrações educativas. As organizações de apoio são cada vez mais solicitadas sobre este assunto. Considerando o duplo papel das organizações sem fins lucrativos que actuam como defensores e prestadores de serviços em relação à acção pública, este documento lança luz sobre a relação recíproca entre a forma como os activistas gerem a matrícula no ensino superior e a forma como esta questão é enquadrada na esfera pública. De facto, os militantes desempenham um papel de guardiões e podem negociar discretamente o acesso à escola à margem da instituição oficial. No entanto, como esta luta pela educação é individualizada e silenciosa, não é provável que esta questão se torne uma causa pública e visível, em torno da qual uma reacção política das autoridades públicas possa ser reivindicada. Assim, embora contrariem em grande medida a violação do direito à educação, as acções dos activistas participam paradoxalmente para a tornar socialmente aceitável. É por isso que, para além do caso da educação dos imigrantes, a análise acaba por proporcionar uma compreensão empírica das condições sociais da construção dos problemas públicos da educação.

Palavras-chave: organizações sem fins lucrativos; problema público da educação; educação de imigrantes; violação do direito à educação; (des)politização; etnografia; França

An Impossible Public Problem or the Paradox of Activist Resistance: Unwillingly Depoliticizing Immigrants' Schooling in France

For more than half a century, the French ministry of National Education has deployed a policy specifically targeting newly arrived immigrants. While the social construction of immigration discrimination in French school has raised a large body of research looking at, for instance, socio-spatial segregation (Felouzis et al., 2005), immigrant students' school results (Ichou, 2018) and ethnicization (Bergamaschi, 2016; Lorcerie, 2003), we argue that a part of this policy is precisely to select who will benefit from it, that is to say who will be eligible according to corresponding images of deservedness (Ingram & Schneider, 2005). Indeed, among other apparatuses, this policy involves exceptional administrative procedures before effective schooling. Immigrants must follow an institutional circuit made of several compulsory preliminary steps. As internal borders, these procedures take part in these "processes of filtering and differential inclusion by creating waiting zones through which the timing and tempo of migration [and its impact within the education system] can be more precisely regulated" (Mezzadra & Neilson, 2012, p. 68). These practices at the door of the institution operate *de facto* as a triage policy (Douniès, Forthcoming). Alike in other European countries (Atanasoska & Proyer, 2018), the unconditionality of the right to education regarding age, nationality or legal status (Valette, 2018; Willems & Vernimemm, 2018) is selectively enforced throughout the political and administrative uses of the compulsory education age limit of 16. In this grey zone between compulsory education and right to education, what is at stake is to whom this right will apply and the legitimization of such a differentiated regulation of population.

This policy process has effects beyond the strict perimeter of the French National Education system. That is why, in this paper, we propose to shift the gaze by studying it beyond the frontiers of this institution. Indeed, the (non)schooling is faced by associations committed to help immigrants. They are not officially deemed partners of this policy. However, they directly participate in its implementation, in an ambivalent position both of gatekeepers and watchdogs, whereby one seizes the interdependency between, on the one hand, how activists frame the issue of the infringement of the right to education and, on the other hand, how they concretely allow (or not) their clients to benefit from public high school education. Identifying this dual construction reveals the social conditions of the ability of migrant education to be erected as a stake of collective action (Gusfield, 1963). By highlighting the uncertainty of turning cases into a cause, and the reasons of preferring silence over voicing (Hirschman, 2011), it shows the ambiguous effects of militants' resistance on the framing of the issue.

Theoretical Frame and Hypothesis

This paper is anchored in the theoretical frame of the social construction of public problems. According to the pluralistic conception of public policy (Dahl, 1961), non-profit organizations are recognized as major actors in the framing of policy issues. Indeed, their activities of "political advocacy" (Jenkins, 2006) take part in the processual construction of public problems (Gusfield, 1981). Associations participate in determining *what* we are talking about in the public sphere and *how* we are talking about it. In education policy for instance, recent inquiries show associations' ability to promote causes finally ratified at the top of the State (Garcia, 2013; Miller & Morphew, 2017) and to (re)frame public debate on the national and international levels (McDonald, 2013; Scott, 2009; Tubbeh & Williams, 2010). In their repertory of contention (Tilly, 1986), militants can especially mobilize the register of right, for instance to make groups' right recognized (Itkonen, 2009).

Political advocacy is actually inseparable from the role of non-profit organizations in policy implementation. While Michael Liksby and Steven Rathgeb Smith (1989) argue that they are central in the government of the Welfare State, it might be stated that “these actors are especially important in areas such as social policy and education” (Peters, 2015, p. 174). Their actions determine the access to a large array of rights, because they can either resist or reproduce the selective triage made by public institutions (Drahy, 2004; Pette, 2014). Alike Rachel Fyall (2017), we argue that it is worth conceiving non-profit organizations as “advocates and providers.” As a way of “bridging the distinction between interest groups and discretion-laden implementation” (Fyall, 2017, p. 136), what must be put forth are the means and the effects of the relationship between both, whereas research is generally exclusively focused on one or another aspect.

While a survey on the state of the art in education policy research shows that associations grab little attention (Sykes et al., 2009), the selective enforcement of the right to education for migrants provides an occasion to explore this “dual role” of non-profit organizations in the sector of education (Fyall, 2017, p. 138). In a situation where young migrants are excluded from school and come to ask activists for help about schooling, they *de facto* contribute to deliver the education policy by regulating its target group, because they can (or cannot) resist and try to give access to school. Actually, looking at how they manage this population leads to contemplate the equivocal relationships between the role of policy providers and policy advocates. Indeed, based on an empirical inquiry, we can analyze how the way that activists concretely face school (non-)enrollment participates in shaping the framing of this issue and the condition of possibility of its emergence as a public problem. More precisely, the hypothesis of this paper is that, paradoxically, while they largely counteract the infringement of the right to education, the actions of activists participate in making it socially acceptable. This perspective requires and allows to seize the origins and the ambivalent effects of the arts of resistance (Scott, 1990).

To do so, the ethnographic approach especially leads to investigate two complementary aspects, whose intertwinement shapes the process of problem invisibilization in the public sphere. On the one hand, it is possible to exploit the relationship between militant activities and policy issue framing in the wake of a seam of research well established by Éric Agrikoliansky (2003, p. 78), when he observes that, far from the advocacy role which we often associate to them and their capacity to promote public problems, collectives can go “at the opposite of the traditional schema supposed to explain the ‘carrier’ of public problems (griefs individually expressed by people are generalized and politicized by organizations taking them in charge).” One should give attention to the friction between the individualization of the treatment of situations and the (im)possibility to build a general and collective cause claimable in the public sphere. Individualizing does not entirely prevent from generalizing the meaning of action (Drahy, 2004). However, for our concern, this perspective leads to consider to what extent the weak visibility of the issue of migrant schooling in the public sphere might be partly explainable by the concrete organization of the help around them, with a singularization that produces, but also results from, an access to education more perceived as a practical stake than as the enactment of a proper right. As Patricia Ewick and Susan Silbey (1998) underline it, the legal consciousness is not evident. Being in a juridically enunciable situation does not mean thinking it as such. Actually, it relates to a process made of various transactions, whereby people come (or never come) to frame reality in law-related terms and to mobilize the dispositions thus arising. Social intermediaries such as collectives for the defense of migrants might be part of this sense-making process. Indeed, it is worth asking to what extent activists perceive the access to school as a right, and what the aftermaths are, on their way of dealing with the selective schooling of the National Education administration. While it is well known that injustice framing is the previous condition of a collective action (Gamson, 1992; McAdam, 1982), the fact that non-schooling

appears as a proper injustice with regard to law, or not, really matters to understand the actions of militants, and to determine how likely they are to claim the issue in the public sphere.

In the continuity, on the other hand, the embedded inquiry alongside activists leads to consider the effects of militants' repertory of contention (Tilly, 1986) about schooling and the difficult translation of cases into a visible and noisy cause. The goal is to investigate what happens when activists make up their mind to act and resist the administration's triage, and to examine the consequences on how the issue might be politically framed. These strategies are constituted of discrete relationships with the official institution, according to an informal process that particularly suits the ethnographic approach of the analysis. Eventually, not only does the paper give an empirically anchored understanding of how education policy is shaped at the margins of the institution, but in doing so, it also sheds light from the bottom up on the intermediary processes of the constitution of education issues in the public sphere.

Methods

This paper relies on an ongoing political science Ph.D about the regulation of immigrant populations in French education system. Here, we will focus on a part of our data. Indeed, we will mobilize a monograph of the implementation of the special education policy devoted to immigrants in a city in the North of France. The latter is the capital of the National Education Academy which is concerned. It counts around 130 000 inhabitants, within a department of about 550 000. For a decade, this city has been an important staying or passing point for newly arrived immigrants. What, as we will see, has significantly influenced the (re)configuration of schooling issue.

The analysis more precisely mobilizes the inquiry alongside activists who, at the margins of the institution, face young discarded from school and try to engage some sort of negotiation with official authorities for schooling. On the one hand, we realize interviews with activists. The latter come from various collectives. It is for instance CIMADE (originally the acronym for *Comité inter-mouvements auprès des évacués*), RESF (*Réseau éducation sans frontières*) or a more informal group of solidarity that helps a large array of people, among who there are young. With them, semi-structured interviews are aimed at gathering biographic information and viewpoints on militant practices. Consequently, they have been subjected to a qualitative analysis devoted to exploit narratives. On the other hand, we follow militants' activities throughout an embedded ethnography. The latter is realized according to a grounded approach paying attention to actors' own actions and visions. Observations are realized either in activists' day-to-day actions, such as when one accompanies a young immigrant to National Education services in order to ask for school, or in the RESF weekly offices, which are opened to a large public in which immigrants can present themselves in the name of their wish of school. Altogether, these empirical materials allow to realize an analysis of education policy that crosses what actors say, what actors perceive, and what actors concretely do. That is why it gives an opportunity to a better understanding of how the right to education and its infringement are enacted, resisted and (de)legitimized in practice.

A New Policy Process Turned into a New Militants' Issue

The selective enforcement of the right to education is inseparable from administrative procedures before effective schooling. To put it bluntly, immigrants officially cannot enter school as they want; they have to follow an institutional circuit made of compulsory preliminary steps. According to a process similar to the one at work in a great number of Academies in France, young people over 16 must first take academic and language level tests into the Academic Centre for the

Schooling of Newly Arrived Allophone Students and Children from Travelers Families (CASNAV); then, it is in an Information and Orientation Centre (CIO) that they meet a psychologist for an interview focused on orientation; it is only after those steps that an official assignation (*affectation*) can be pronounced, which allows to enter an explicitly mentioned high school.

Alike what seems to happen elsewhere in France (Armagnague & Rigoni, 2018), for four or five years in particular, this circuit has become a filtering area in the city we are working on. Discriminatory practices have emerged on the background of informal relationships between local National Education administration and Departmental Council in charge of unaccompanied minors (*Mineurs non accompagnés*) through *Aide Sociale à l'Enfance* (ASE) (Douniès, Forthcoming). The effectiveness of the right to education has become a policy issue because of the discrepancy between the growing demand and the means National Education can and wants to invest, notably regarding places in special apparatuses of French-learning.

In front of a surge in young migrants' arrivals, there has been an institutional work around the (malleable) interpretation of the right to education. Put at 16, compulsory education is interpreted by a reversal of its meaning regarding its initial legal content. From an injunction to users, it is turned into a legitimate clearance threshold for the institution. Then, the civil majority – 18 – is seized as a beacon that indicates the obvious overstepping of the prerogatives of National Education. A young person of 18 years and over is considered “too old” to enter school, according to the shared idea that people of this age “are no longer part of National education,” as it is said by several respondents. On the whole, similarly with what one might note in other European countries (Atanasoska & Proyer, 2018), arriving beyond the symbolic threshold of 16 announces an uneven terrain for accessing school. More profoundly, what is at stake is a (re)framing of the meaning of the right to education. Indeed, even though the extension of the study age beyond 16 has become the modal relationship to education in France, the schooling of immigrants over 16 is not seen as a pressing obligation. Far from its unlimited scope legally consecrated, education access is rather considered as the satisfaction of a desire that the institution would be entitled to ignore. Schooling beyond the age of 16 would be a “favor,” according to a logic of exception which would in itself witness the efforts made by the institution. Thus, schooling migrants before 16 appears not entirely legitimate, as would be the enforcement of a legal tenet.

Because of this redefinition of the (in)acceptable public, some young migrants are *de facto* discarded from school. For instance, a lot of young not recognized *Mineurs non accompagnés* face a refusal from CASNAV, when they ask for begin schooling procedures. Some of them try to find help on the side of collectives of solidarity for migrants. For the latter, indeed, access to school has become an issue for the past four or five years in particular. Schooling is a relatively new concern as, until last years, it was not veritably an area of action for militants. That is visible not only for the majority of organizations that do not have any link with the education questions, but also for the rare ones that explicitly take into account those domains. A case in point is RESF. From the outset, school has a singular place in the action of this association (Mathieu, 2010). It uses it as a symbolic asset and an anchor point of mobilization in order to defend people submitted to an official exclusion order. The local RESF has organized many demonstrations on the pavements of schools where were studying children of threaten families. However, the current situation significantly contrasts with this traditional mode of opposition. Not only school was not an end in itself, but it was also more about helping people to remain at school rather than entering it. Robert, a retired teacher, states that “before, we didn't see this moment of schooling. It happened outside us [...] whereas nowadays, they come to our office and their first request is precisely schooling.”

Thus, we see how the policy process of filtering migrants at the entrance of school has turned into a militants' issue. Alike Robert, activists henceforth meet young migrants who first and

foremost ask them help for schooling. Beyond the case of RESF and Robert, requests resulting from the infringement of the right to education fall into the grey zone of collectives' division of labour. There is for instance CIMADE which insists on what deals with asylum request. There is also an informal network created in the wake of Sangatte camp dismantling. Without consideration for the precise migrants' status – from young not recognized *Mineurs non accompagnés* to families under expulsion order – it provides migrants with day-to-day help and, actually, comes to give significant importance to legal advices. Although there is no doubt that dealing with the universe of education is more familiar to RESF activists, for this collective and the others schooling seems to outreach the law-related know-how which primarily funds their issues and competences (Drahy, 2004). As it does not fit the pre-existing distribution of tasks and the abilities associated with, this issue is not “naturally” taken as a hobby-horse by any of the collectives. In this respect, non-schooling is not easily “collectivizable,” and the ways it is faced will show how non-evident it is to converse cases into a cause.

A Difficult De-Singularization of Resistance

Meanwhile it falls into the grey zone of collectives' division of labour, why and how activists come to help for schooling show an individualization of the approach (1), which is reinforced by a case by case logic whereby administration's selection is either resisted or reproduced (2). Altogether, those elements participate in a difficult de-singularization of resistance, which would require and allow to translate cases into a cause.

The Twofold Individualization of Resistance

Help for entering school is far from being a large-scale experience for activists. Such an action remains limited to a quite small group of people. In comparison with the heterogeneous set of tasks related to the legal situation of migrants, school intermediation hogs a marginal time and does not take part in the most gratifying work. Rather, it is an occasional action located at the bottom of the indigenous hierarchy of task legitimacy; for some, it could almost appear as a “dirty work” (Hughes, 1962), according to an absence of strong and collectively recognized legitimacy.

This weak prestige among activists makes more improbable for this issue to being collectively borne. Shedding light on the activists who “consent” to do it leads to point out an individualization of the go-between action for school, in the sense that this help is not embedded in a collective move but lies in a propensity from some activists of enacting “on their own.” Indeed, while collectives do not make schooling a general hobby-horse, it is implemented throughout an individual mobilization that encompasses two main situations. On the one hand, schooling is realized by activists who do not belong to formal associations. They often belong to the vast and informal network of solidarity which, as we have seen earlier, has emerged in the wake of Calais' events. In this respect, schooling is the continuation of a practical help individually provided. Coraline (51) is a telling example. The commitment of this theatre director-actress has started in Calais. Step by step, she has reinforced her individual engagement in 2017, especially by hosting Eric, an African arrived at 18 past two days. Around him, Coraline and her partner have developed a deep relationship that encompasses affective proximity, material supplying and juridical advising. As “the first thing he was asking for was school,” Coraline helped him for schooling. Before meeting her, Eric tried on his own. However, he faced several rejections from CIO, because of his age. In one CIO, he has been finally received, and Coraline followed him to meet a high school manager and convince him to integrate Eric in the boarding for sleeping on-site during the week. Two years later, at the time meet Coraline, Eric is “leader of his class,” in an industrial vocational section.

On the other hand, help for entering school is realized by activists who are on the contrary deeply engaged in formal associations. They are well-known of all in the local universe of solidarity for migrants. Even though they have some sort of a multi-positionality, they are often characterized by an old-established engagement under the banner of a precise collective. It is precisely this profound commitment that paradoxically brings them to “detach” themselves from the collective framework, as they exercise a “total engagement” that multiplies the occasions of going further the defined limits of the competences of the associations they belong to. Monique is a case in point. This retired nurse has been engaged in CIMADE for four years. Her commitment is “a job of everyday.” Indeed, not only very rare are the weekly offices where Monique is absent, but she follows a certain number of administrative dossiers that require an intense investment. Amid all of this, Monique helps some young migrants, who have been met either at the CIMADE office or, more often, when she is in assistance mission around the city train station to identify migrants deprived of any help. It is in this context that “I have come to help some of them for schooling.” However, as she underlines, when we follow her a day she meets a young migrant who requires advices to access school, this action is done “not in the name of CIMADE.” “It’s just like that, it’s me, on my own person” specifies Monique. Indeed, although she is deeply attached to CIMADE – as definitely as she pastes stickers all around the city while we are walking – Monique allows herself to go beyond the traditional perimeter of this association. Help for schooling is like an “extra,” an individually-defined action she stresses in interview by mentioning that “besides, I do not really tell them that I do it, to the other militants.”

On the whole, the examples of Coraline and Monique show that activists' endorsing intermediation for school do not shape a monolithic group. However, both allow to grasp an action realized by “free electrons,” as if it were difficult to contemplate a more structured collective way of doing. Following a line of action that all at once compensates and (partially) explains this non-collectivisation of the issue, activists undertake schooling “on their name.”

Beyond the question of *who*, one might identify an individualization that extends in *how* activists come to help immigrants for schooling. Indeed, in the day-to-day activists' experiences, the issue of school stems from the confrontation to what appears as a personal need or wish. The latter might constitute an isolated demand. For instance, at weekly RESF offices, it is not rare that migrants come only “for school,” as they often say. Ethnography shows that these young people are in search of a targeted help, outside any broader personal relationships with the activists they meet. Both protagonists generally meet each other for the first time; that is why, before speaking about school, activists try to understand who is the young they are talking with, why and when he or she has come to France. Then, the potential action for schooling will be a one-shot help, and the solicitor will not come back for other considerations. In a different perspective, the role of school intermediation might take part in an individualized but long-term relationship. Actually, here, schooling makes sense in a global accompaniment, along with hosting, financial support and work around legal advising. Near, for instance, to what we have seen with Coraline, someone like Pierre has help Ismaëla for schooling, meanwhile hosting her during several months, bringing her to consult a lawyer as soon as necessary, and providing her with pocket money. Pierre's experiences echo the one of many solidary hosts (*bébergeurs solidaires*) we meet, whose help for school is the logical consequence of a broader wrapping of the life of the young they support.

Eventually, we see that the ways the access to school is concretely faced in activists' work participate in explaining why it is not turned into a collective cause. Lacking legitimacy and clear status within activists' labour, it does not raise a significant attention, but remains at the margins and endorsed as an individual initiative by a limited number of people. It remains a singular story made of a situated transaction between two individuals, the young and the militant committed in helping him or her.

The Casuistic Logic of Street-level Gatekeeping, between Conformation and Resistance

Moreover, schooling activates logics more broadly identifiable in non-profit organizations' actions concerning rights access, namely the fact that in their action to make rights effective, they themselves operate a selection of solicitors. Indeed, the analogy between activists and street-level bureaucrats makes associations appear as an extension of official policy offices, which take part in the triage of the public. In this respect, associations often hold an ambiguous position of policy rival-partner, as they either contest administrations' exclusionary logics or reproduce them. All of these practices are underpinned by a casuistic process, whereby organizations' members differentiate one people from another and, as a consequence, provide each one with a different investment.

At first sight, help for schooling seems to be a random practice. Actually, by passing from a quite dichotomous distinction to an approach paying attention to the terms and the degree of the help, it is possible to seize a case by case process behind which we can bring out sorting logics. As we are talking about young migrants purposely secluded by National Education administration, concrete engagement for schooling means resisting to official institutions. Thus, regarding this signification, who are the migrants who militants are likely to help and how? Focusing on RESF weekly offices allows to formulate answers, by shedding light on the little discernments whereby militants determine the relevance and the scope of their potential action.

The threshold of 18 years old is certainly the stronger symbolic element orienting activists' practical assessment of the wish of school. In the face-to-face interaction, after preliminary courtesies, militants first question is: "Why are you here?" When the answer is a desire of school, activists automatically go on with a second question: "How old are you?" Pronounced in the first seconds, this question determines all the following of the discussion. Indeed, auto-declaring being 18 or more put instantaneously militants in a skittish posture. As if from the outset this mere biographic information was announcing a difficult exchange, activists' words and body expressions translate embarrassment. While migrants immovably look their interlocutors, the latter have faltering hesitations, as if they were disposing neither of sure negative answer nor of evident solution. "So... well..." "I see, the thing is..." "Yes, I do not know if..." here are some of the reactions reflecting the uncomfortable position of RESF members. Because, indeed, being 18 is deem contradictory, but not redhibitory, to schooling. It is precisely this ambiguity that makes militants feel queasy, as nothing prevents them from giving a positive answer; but in the same time, interiorized standards of normality directly lead them to place themselves in a negative a priori. Even though there is no legal forbidden, schooling after 18 is effectively socially considered as an irrelevant, sometimes wild, idea. Because those "old" young would clearly be beyond National Education prerogatives. In RESF and elsewhere, the anchorage of such a vision stems from at least two elements: first, regarding the political context that we have seen before, locally and beyond, National Education has insisted for four or five years on the fact that it would be not really legitimate to accept at school migrants older than 18; second, this vision is all the more easily taken for granted in RESF that a lot of militants are (former) teachers, for who this idea almost operates as an institutional common sense.

Concrete effects are at stake. Because this spontaneous categorization often leads activists to try to persuade migrants over 18 that National Education is not made for them. Activists return the demand by making understand that it is quite illegitimate. For instance, a 23 years old African asking for school is answered that "National Education school is not his place, it is not anymore at this age." Moreover, the distinction made by militants on the criteria of age leads them to moderate their commitment. They do not necessary dissuade those young from accessing school, especially because migrants are not entirely passive and can resist militants' statements. The latter, however, tend to adopt a minimal engagement; their answer essentially consists in giving information like a tip, such as writing on a paper the address of CIO. Actually, alike when activists prepare procedures of

regularization they select “good dossiers” by adjusting their triage to administration’s criteria (Pette, 2014), the partial relegation of over 18 young’s demands results from the anticipation of the reaction of civil servants charged of schooling. “We are almost sure that there is nothing to do, they will never give him a subscription” underlines for instance Robert, after having convinced a 21 years old migrant that his desire to go to school was not a good idea. In this respect, militants reproduce the selection which is part of National Education policy, by replaying the matrix of differentiation implemented by street-level bureaucrats.

The situation is quite different for migrants who introduce themselves as minors. It is especially the case of “*mijeurs*,” that is migrants claiming being minors but not recognized as such by ASE and deprived of school for this reason. Attending RESF offices shows that, for them, militants more willingly enter in a stronger relationship of help, which notably consists in accompanying them to CIO or directly to high school, as we will see below. More than once, we witness militants giving a meeting point in order to going together asking for school. However, even within self-declared minor migrants, activists make differences. For example, the degree of help depends on the spontaneous feeling about the young and the wish to support him, according to an affective feature that produces in practice significant effects on the way collectives’ members treat their interlocutors (d’Halluin-Mabillot, 2012). It depends as well on the assessment of sincerity, between being motivated to go to school for school, or rather being motivated to go to school for administrative strategy. Thus, while some of those minors are helped until physical escorting, other are let with a scrap of paper on which CIO address is written.

All of these little discernments unveil to what extent associations such as RESF participate in the enactment of the selective schooling policy, by in the same time endorsing it and counteracting it. Nevertheless, beyond, their interest for the analysis is to inform on the difficult conditions of generalization whereby non-schooling might be constructed as a policy cause, that is to say an issue related to a public and collective advocacy claimed in the public sphere. The ethnographic findings show that under 18 or beyond 18, it is like if there exists two distinct groups, whose desire of school is legitimate or not. Alike if it were no continuity, all those young are not ascribed to a same and large category of victims, who would suffer from a same injustice and, consequently, would be defended under the same cause. There is a process of compartmentalization which is reinforced by the multiple little distinctions made between young within both so-called groups. Eventually, whereas, in its formal dimension, right to education is intrinsically general, activists’ practices tend, on the contrary, to scatter situations. (Help for) schooling is not only, as we have seen, an individual story, but also a story of individualizing distinctions, whereby it might almost be said that the reality consists in treating each person differently from another. Thus, the contribution to policy implementation directly shapes the framing of the issue; both articulate in a process of non-de-singularization, which is actually subsumed by a regularly heard activists’ sentence about the ways of contemplating migrants’ wish of schooling: “It’s all about particular cases, each situation is different one from another.”

On the whole, investigating militants’ networks sheds light on a difficult de-singularization of resistance. Indeed, looking at why and how militants come to help for schooling, and to what extent they select their public at this end, leads to seize the uncertainty of the translation of (non) schooling into a collective cause. Rather, those phenomena finally produce an “individualization-depoliticization of issues that would potentially be built as public problems” (François & Neveu, 1999, p. 46). This policy process is inseparable from strategies concretely used for schooling. It is to this topic that we should now turn.

An Improbable Voicing of a Silent Resistance

Help for schooling is concretely realized throughout a short-circuiting strategy that allows to discretely get places at school (1). This negotiation at the boundaries of the institution produces and results from a “de-lawyering” of the access to school, which frames schooling not as a question of right but as a practical issue related to migrants’ day-to-day life (2). What, on the whole, makes improbable to voice a visible cause in the public sphere.

A Short-Circuiting Strategy under the Radars

In front of the selective application of the right to education from the administration, activists resist in order to get access to school for migrants who have been discarded from it, for instance because, as they are not recognized minors by ASE, CASNAV refuses to let them trigger the schooling process. In front of militants located “at the intersection between individuals and the state” (Brodtkin, 2012, p. 944), we would like to emphasize here an underground tactic, which consists in short-circuiting formal policy procedures. Indeed, as we have seen that the latter are at the origin of non-schooling, they try to bypass them by getting high school subscription without official assignment. To do so, activists such as Sophie (RESF) especially target a vocational high school, where they repeatedly success in schooling migrants who have been refused in the lengthened official procedures. Sophie directly knocks the door and enters a personalised face-to-face with the high school head manager in order to negotiate a place.

It’s not difficult. You call high school, and you ask for an appointment with him. Directly. Then, he receives you, you are going into his own office. You present the young etc., and he says ‘OK’. No problem.

For some years, in the city where the field inquiry takes place, avoiding official procedures in such a way has allowed to get an access to school for a significant number of immigrants. However, this strategy is far from succeeding with every high school of the city. It is even the contrary, as “apart this one, doors are closed” (Sophie). For instance, Paul (CIMADE and informal network of solidarity) relates that, stating the efficiency with this high school, he has once tried with another high school.

At the beginning, I believed it will work, because at the entrance they let me go upstairs. [...] [Nevertheless] once in front of the head manager secretary... there has been a kind of hesitation. I asked for an appointment with the boss, but she told me to explain why exactly. So, I said it was about schooling a young African I was helping at the time. She started writing down but, suddenly, she said: ‘wait a minute, things are not working like this! You have to firstly go to CASNAV, and take the tests. There are procedures!’

Eventually, Pierre leaved without any results. Actually, the efficiency of the short-circuiting strategy lies as much in activists’ ability of bargaining as in head manager’s inclination to achieve an institutional unapproved practice. The conditions of possibility of such a policy resistance draw a relational configuration made of a “double-bind” interdependency (Elias, 1974). On one side, activists find here a solution to give access to school. On the other side, high school head manager finds an opportunity to fulfil sections which are not. Indeed, these migrants are not put anywhere, but rather in sections not full yet – in particular, the less attractive ones of a high school specialized

in building sector. Undoubtedly, if the manager has not disposed of these vacant places, he would not have been in position to satisfy activists' wishes. He has, in effect, a room of action, which serves also a militant stance. The inquiry allows to seize the porosity between the local network of solidarity for migrants and the National Education institution. Alongside his professional carrier, this head manager has a long political route. As he describes himself, he is an "old Socialist Party activist." He has been in charge of multiple functions, for instance at the municipal level, and from 2004 to 2015, he has been Regional Council vice-president in charge of lifelong learning and employment. At the time, he took measures in favour of migrants, by subsidizing for instance RESF in order to organize alphabetisation in the city we are working on. More generally, for dozens of years, it has been not rare to see him within demonstrations organized in the name of migrants' defence by local associations. As Robert summarizes it: "We know him well."

Thus, activists' strategy consists in a sleight of hand based on interpersonal relationships. From experiences, militants learn to play with the discrete doors let opened by some actors, who prove to be less legalist. Without any noise, far from the public sphere, they organize and exploit a pocket of resistance (Scott, 1990) that allows them to successfully bypass official procedures. As a result, they largely neutralize the triage operated by National Education, and lead young migrants to eventually enter school. In doing so, they *de facto* counteract right to education infringement. However, the reason and the effect of this silent action is precisely that education is barely conceived as a right, around which a collective and public mobilisation would be possible and necessary.

"It's not a Right!": The "De-Lawyerling" of the Access to School

Understanding why activists stick to this kind of underground resistance requires to contemplate several elements whereby the right to education is not treated as such, that is to say as a general tenet legally opposable to public institutions. To begin with, immersing into activists' networks allows to grasp that schooling beyond compulsory education is not necessarily perceived as a right. First, National Education framing in terms of "favor" is partially interiorized by those activists. The latter regularly put forward that going to school after 16 is a chance rather than a right. Talking about a 20 years migrant who has asked her help for schooling few days ago, and for who she has finally not conceded to act, Dominique (CIMADE and informal network of solidarity) for instance states:

He says 'I have the right to go to school', but no, he has not the right. It is 16. It's not a right. Personally, I am totally for it, but it's not right!

Dominique's statement encapsulates the ambivalence of many activists' vision, because even if she supports in principle instruction after 16, she is deeply convinced that it is not a proper right. Ethnography at RESF offices shows that activists do not just keep in mind this vision. Adopting a posture of familiarizing migrants with French administrative rules, they regularly recall that 16 is the symbolic threshold for accessing school. "In France, school is until 16" often say militants, as an implicit way to make understand that "then National Education is not compelled to make something," as once underlines Robert.

Moreover, for some activists, unlimited access to education effectively constitutes some sort of a right. However, in practice, it is not really conceived as such. While helping for schooling, these militants worth less the legal dimension of education than the social situation of the migrants who are concerned. The access to education is hardly perceived as a full right opposable to National Education actors. Indeed, activists "do not schedule the use of jurisdictional argument in case of people charged of examining the demands do not satisfy stranger' request" (Drahy, 2004, p. 249).

For negotiating schooling, they do not mobilize the right to education as legal weapon; school access is seen not as a compulsory law-related right, but as a blessed solution able to alleviate migrants' daily life.

This prevalence of a kind of humanitarian register over legal register is particularly identifiable in the fact that schooling is used by activists in their strategy of securing young migrants' existence. Education is seldom valued *per se*, but rather because it participates in enhancing daily life. For instance, Sophie emphasizes that "what we look for with schooling, first and foremost, it is a kind a sheltering." She pursues: "They keep warm during the day in classrooms, they get at least a warm meal at noon and, for some, we can obtain boarding five or seven days a week." The relationships between militants and the high school head manager mentioned above show that this vision is directly turned into a matrix of action. Because when they contact him, they necessarily do not put forth legal obligation, but rather the fact that, for the young concerned, going to school will be a significant enhancement of his existence. As they seek to solve individual cases, Sophie and the others are likely to play on the string of solidarity – and even empathy –, to sensitize on the alarming life conditions of these young, far from the more abrupt and coercive legal framing. On the whole, the non-access to formal education is not seen as an injustice properly readable in law, whose reparation would be wholly legitimate. Instead, it looks like an "incidental and more or less surmountable shortcoming" (Hirschman, 2011, p. 14), whose cancellation is a happy concession that relieves day-to-day difficulties. Whereas we know injustice framing is the initial condition of collective action (McAdam, 1982), along with the conception that schooling after 16 is a favor, this vision contributes to understand that, in comparison with what they can do for other right violations, militants are not inclined to take the street with public and noisy operations.

If activists are not disposed to adopt a strategy of voicing because they consider it would not be entirely legitimate, their reluctance also stems from a "judgment on the possibility to efficiently use voicing" (Hirschman, 2011, p. 47). Indeed, the choice of the means of action relies on a spontaneous assessment of "what works" and what "does not (or might do not) work." In this pragmatic perspective, the underground actions still appear satisfactory. Until today, they have yielded good results. It follows that another form of mobilization remains unnecessary. "As of now, we success with it, let's carry on" states for instance Pierre. As long as militants do not face an entire locking, bearing the access to education in the public sphere does not seem salutary. One might besides deem there is here a hidden tactic from National Education administration, which by allowing a certain flexibility, prevents its infringement of the right to education from being displayed and attacked in the public sphere. For activists, not only publicizing the issue does not appear urgent, but it also seems potentially counterproductive. Often implicit, this conception might be summarized as follows: why running the risk to direct the public attention on this issue, whereas it is precisely this relative indifference, translated into a weak oversight, that allows to discretely find solutions at the margins of the institution? Consequently, the variable effectiveness of the right to education is hardly transformable into a public cause because, in this city and elsewhere, local militants still succeed in resisting National Education throughout an almost invisible intermediation. In the coming years, one might hypothesize that if a publicization of the issue occurs, it will certainly result from an institutional turn, towards a sharp and controlled blockage. Otherwise, quite imperceptible arrangements are to willy-nilly continue.

Conclusion

From the infringement of migrants' right to education, this paper shows the effects on education public problem of the frictions between associations' policy advocacy and policy

providing. Indeed, investigating those “multifaceted functions and behaviours” (Fyall, 2017, p. 138) sheds light on the reciprocal relationship between the ways activists face (non) schooling and the ways it is framed in the public sphere. Such a process is composed of two major and inseparable sociological processes. On the one hand, why and how activists come to help for schooling show an individualization of the treatment, in a situation where it is like if each case was different from another. On the other hand, in order to get an access to school, activists deploy discrete strategies aimed at solving singular cases, but do not contemplate to go out from silence and outrage according to a general and noisy claim in the public sphere about the difficult schooling of a part of migrants. Both phenomena are intertwined in the reality. They explain that cases are barely turned into a cause.

In this respect, the paper highlights the ambivalence of resistance. Indeed, paradoxically, while they largely counteract the infringement of the right to education, militants' actions participate in making it socially acceptable. Because, under the effect of their action, the infringement of this right is not likely to appear as a proper injustice regarding law, which deserved to be publicly denounced. It remains, rather, an individualized and practical concern to which militants willy-nilly give “hand-made” solutions throughout court-circuiting strategies on the boundaries of the official institution. In this respect, this localized inquiry says something about the bedrock of the broader striking absence of the issue in the French political and public debate. It is no coincidence if the rare moments it grabs attention is the ones characterized by the lawyering of the issue¹. While this kind of action is exceptional, it precisely takes the opposite to silent and individualized approach, to rather link the help for one young to the infringement of a proper (universal) right. Here, the case is put forth as the epitomizer of a general cause understandable in terms of law. It eventually generates a real, but ephemera, attention in media and the public sphere. Thus, by studying to what extent militants are (not) likely to “making claims on the state, asserting rights, and pursuing redress” (Brodkin, 2013, p. 18), the paper gives an understanding of the social conditions of the construction of education public problems.

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¹ See for instance the request to the *Tribunal Administratif de Paris*, which, in January 2018, has finally asked for the withdrawal of the “implicit decision” of the Rector of Paris of non-schooling a young migrant because he was presumed beyond 16, according to an infringement of several law-related tenets such as the unlimited right to instruction or the first article of the International Convention of the Rights of the Child.

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SPECIAL ISSUE
International Migration and the Right to Education: Challenges for Facing Inequalities in Education Systems Policies

education policy analysis archives

Volume 29 Number 72

May 24, 2021

ISSN 1068-2341



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